

#### KANSAS CRIMINAL JUSTICE COORDINATING COUNCIL

## KCJIS NEWSLETTER

Volume 5: Issue 4; December, 2003

### **New NCIC Name Search Capability**

by Captain Ken Justice Kansas Highway Patrol

The Terrorist Screening Center (TSC) began operations on Monday, December 1, 2003. The TSC serves as the single point of contact for law enforcement authorities requesting assistance in the identification of subjects with possible connections to terrorism.

When an agency runs a name query on a subject through the National Crime Information Center (NCIC), the query now includes a check for any known or suspected links to terrorism. A single query may return many possible matches and officers should follow their standard procedures for reviewing records. In cases where positive identification is still not possible, the inquiring agency can call a toll-free number reflected in the NCIC record and request assistance in the identification process. Analysts at the TSC will have access to supporting information behind the record and will work with the dispatcher to resolve the issue. If the individual's identity is confirmed or remains uncertain, the TSC will coordinate with the FBI's Counterterrorism Watch at FBI Headquarters in Washington, DC, to ensure appropriate actions are taken. (con't on page 2)

#### Portal 100 Software

by Vicky Harris KBI Communications

Testing on the Portal 100 software is nearing completion. Once the testing is completed, deployment of the software will begin. Those agencies which have graciously assisted in the pilot testing of the software will be given the first opportunity to move all of their devices to the new web server. The KBI Help Desk will be contacting the remaining agencies beginning sometime in December, to develop and schedule a migration plan to move existing web devices from the old web server to the new one and provide instructions on how to download the new Portal 100 software. (con't on page 2)

### **Finney County Connects Livescan**

by Dave Sim KBI Records Section

On November 25<sup>th</sup>, the Finney County Sheriff's Office successfully submitted an electronic fingerprint livescan record to the Kansas Central Repository at the KBI.

Finney County's livescan is the 16<sup>th</sup> livescan device installed to electronically transmit fingerprint records to the KBI. The other connected agencies are the Kansas Department of Corrections, Johnson County Sheriff, Johnson County Detention Center, Leawood Police Department, Lyon County Sheriff, Miami County Sheriff, Pratt County Sheriff, Reno County Sheriff, Saline County Sheriff, Sedgwick County Jail, Shawnee Police Department, Shawnee County Department of Corrections and the Topeka Municipal Court.

There are currently an additional 14 livescan devices statewide that are not connected to the Kansas Central Repository. These machines are predominantly used for bookings in which the fingerprint record is printed on a card and then mailed to the Central Repository.

New NCIC Name Search Capability Page 1
Portal 100 Software
Finney County Connects Livescan
Basic Dispatcher Training
Livescan Purchase Contract
Statute File Released
Public Access: Internet Record Checks
Submitting Expungements to the KS Central Repository . Page $3$
Kansas Audit Results
Correction: Missing Person Information
Missing Persons Issues
DATAMAXX's LINXX 2010 Software Page 4
Inappropriate use of cancel missing (XM) in NCIC Page 4
News from the Crime Data Information Center (CDIC) Page $5$
Which CDIC member do I contact?
KIBRS/NIBRS Reporting Issues
Livescan Submissions of Civil Fingerprints
CDIC needs your help Page 6
Livescan Training
DATAMAXX's Car Stop Screen-Training Issues Page 7
HAZMAT Endorsement: Another Update Page 7
KBI to Distribute "Central Repository Operations
Bulletin
CJIS North Central Working Group Page 7
Sending Fingerprint Cards to the KBI for "Non-Standard"
Events
FAQ Page 9

## **New NCIC Name Search Capability**

(con't from page 1)

Initial capabilities of the TSC are limited — records will be phased in to ensure the identities of subjects are in fact terrorists. A detailed plan of the information roll-out will be announced in the near future.

Issues and questions about the system and procedures may be addressed to the toll-free information line: 1-866-872-5678 (M-F/9-5) or e-mailed to tsc@techtrack.gov Customer service capabilities will be expanded as the TSC functionality increases.

#### **Livescan Purchase Contract**

by Dave Sim KBI Records Section

The Kansas Department of Administration's Division of Purchases has issued an open state contract for the purchase of livescan devices. The vendors included in this contract have been pre-qualified to sell their products to any Kansas governmental agency at the state or local level.

The contract number is 06513. It is available on the Division of Purchases website at:

#### http://da.state.ks.us/purch/contracts/ContractData/ 06513.doc

Five vendors are included in this contract: Motorola (Printrak's parent company), Identix, Cross Match, Cogent and Comnetix.

These vendors successfully responded to a detailed technical solicitation for bid. They have each agreed to supply compliant livescan devices and services that will operate properly in the KCJIS environment. That means that the equipment and services offered in the contract meet the specifications and technical requirements for data exchange on the KCJIS and national IAFIS networks.

Any governmental agency in Kansas may use the contract to purchase a livescan or any associated hardware, software or services offered by any of the included vendors. The advantage of using the state contract is the assurance of purchasing compliant livescan devices without the difficulty of crafting a Request for Proposal or negotiating the prices and terms of purchase. However, an agency is not obligated to purchase from this contract and may procure livescan from other means.

The contract is good until October 31, 2004, with the possibility of additional one year extensions.

#### **Statute File Released**

by Dave Sim KBI Records Section

The KCJIS Statute File is the compilation of offense citations from Kansas statutes. It represents the standard for describing a crime when exchanging information within the KCJIS environment. The KBI maintains the Statute File and issues revised versions each year to reflect changes to criminal law by the Kansas Legislature. Normally, there are two versions released each year; one soon after the legislative session ends and a second version after all the new laws are given their final chapter and section citations by the Revisor of Statutes.

The second version of the calendar year 2003 statute file was distributed in early November. That was a late release because a couple of criminal laws became effective on November 1<sup>st</sup>.

Agencies that use the KCJIS Statute File are automatically sent an electronic copy of each version release. If your agency was overlooked, you may obtain a copy and get yourself on the e-mailing list by contacting PSA I Barbie Berggren, Supervisor, KBI Document Processing Unit, telephone (785) 296-8269. Or e-mail Barbie at: Barbie.berggren@kbi.state.ks.us.

### **Portal 100 Software**

(con't from page 1)

A special thanks to the "testing" agencies: Wichita Police Department, Wichita Municipal Court, Burlington Police Department, Ft. Hays State Police Department, the Kansas Attorney General's Office, the Kansas Highway Patrol, Hays Police Department, Shawnee County Court Services, Shawnee County District Attorney's Office, and Salina Police Department.

## **Basic Law Enforcement Communications Operator Training**

by Captain Ken Justice Kansas Highway Patrol

At the request of local agencies, the Kansas Highway Patrol will soon offer Basic Law Enforcement Communications Training. This will be an intense 64-hour course held in the CJIS computer lab located at the Kansas Highway Patrol Training Academy in Salina. This will allow live hands-on training, which will include radio simulation. The course is being structured for new communications personnel; however, experienced personnel will also be welcome to attend.

More information will be sent out over the KCJIS network when we are ready to announce the first class and accept registrations. We will also post a class description and a registration form on our KHP web site.

## Correction: Missing Persons Information

by Judy Ashbaugh KBI Missing Persons Clearinghouse

Use of a parent's name and DOB as an Alias for a child. In the past, the KBI Missing Persons Clearinghouse has recommended that, in the case of a child abduction, that the abducting persons's name and date of birth be used as an alias for the child. This is used only when a warrant has not or will not be issued for the abducting parent. In speaking with a representative from the FBI/NCIC CJIS division, it has been determined that a more appropriate approach would be to enter the abducting person in the EMO category of the NCIC Missing Persons File and link the child or children and the abductor (the following is a correction from previous newsletter) using the linking function of NCIC 2000 by placing the NIC in the MIS field of the respective entries. This will require a signed report on file for the entry of the adult. Since a car stop inquiry requires a sex in the inquiry, and NCIC does not match on the opposite sex, no match will be made if the abducted child is of the opposite sex from the abductor. If you have any questions, contact:

Judy Ashbaugh
Missing Persons Clearinghouse
Kansas Bureau of Investigation
785/296-8244
e-mail: judy.ashbaugh@kbi.state.ks.us

#### **Kansas Audit Results**

by Captain Ken Justice Kansas Highway Patrol

The state of Kansas recently received a letter of commendation from the CJIS Advisory Policy Board Sanctions Subcommittee after their review of our 2002 CJIS/NCIC audit report. While there were minor policy violations noted during the audit, Kansas was commended for the exceptional audit results.

During this audit, FBI CJIS auditors visit the Control Terminal Agency (KHP, KBI & DISC) in Topeka, as well as a dozen local agencies chosen at random. The local agencies are audited for compliance with NCIC policies and procedures, similar to the local agency audits conducted by the KHP CJIS auditors.

These results speak well for the progress that the KHP CJIS Unit has made in the area of training and audits since taking over this responsibility in 1999. We have worked hard to develop a good working relationship with the local criminal justice community in Kansas, and these audit results are a reflection of those efforts. I'd like also like to thank the local agencies who participated in that audit and encourage them to keep up the good work!

#### **Public Access: Internet Record Checks**

by Dave Sim KBI Records Section

The KBI has been working for many months to establish an Internet web site for public record checks of the Kansas Central Repository. The Public Access System (PAS) has been an on-going project involving a tremendous amount of planning and preparation, not the least of which was the automation of over 390,000 Kansas criminal history records.

The Information Network Kansas (INK) is the KBI's partner in designing and developing the PAS.

INK is experienced in delivering official Kansas records over the Internet. The INK web site provides access to a tremendous amount of state and local governmental information and databases, and has hosted the Kansas Offender Registry web site for the past couple of years. The PAS is a logical extension of INK offerings, and will permit anyone with Internet access to obtain a record check on-line, instantaneously.

The PAS site has been designed and many of the web pages have been created. Behind the scenes, the KBI and INK programmers have established the data exchange routines and are now testing the movement of records requests and responses. The system is projected for online operation in January, 2004, and it looks promising that the schedule will be met.

## Submitting Expungements to the Kansas Central Repository

by Dave Sim KBI Records Section

Expungements of convictions for offenses in Kansas are governed by K.S.A. 21-4619 and 12-4516. These statutes require the clerk of the court to send a copy of the order of expungement to the KBI, and the KBI is required to notify the FBI.

A few years ago the notification procedure was different; the clerk of the court was directed to send the order of expungement directly to the FBI. When the statutes were changed, and responsibility to notify the FBI shifted to the KBI, the FBI was notified of the new law. Since that time, the FBI will only accept and process expungements submitted by the KBI.

Clerks of the court should review their office procedures and ensure that every order of expungement is sent to the KBI, Attention: Records Section, 1620 SW Tyler, Topeka, KS 66612-1837. Also, no copies should be sent directly to the FBI; that causes the FBI to reject the order and send it to the KBI with a request for proper processing.

#### DATAMAXX 's LINXX 2010 Software

by Vicky Harris KBI Communications

Users of the Datamaxx's software, LINXX 2010, used by many current KCJIS users, specifically dispatch operators, have reported a problem with the software locking up since the release of version 3.5.0.17 in May 2003. The users receive a Dr. Watson or a general protection error, which requires the user to shut down and reopen the software. This issue was turned over to Datamaxx who issued ticket numbers #35097 and #35352. In addition, shortly after the release, some users reported a problem with their macros not working correctly and the occasional problem with the first two or three characters of the data string dropping when using the macros. Again, this issue was turned over to Datamaxx, who issued ticket #35373.

Datamaxx has developed a patch for the Dr. Watson/general protection error (their tickets #35097 and 35352) and is scheduled to deliver an updated version of the software to the KBI on December 8. We will test this version and will release it as soon as testing is completed. This version of the software is only expected to correct this issue; no other outstanding problems or screen corrections will be included in this updated version.

Datamaxx has also agreed that there is a bug in their software regarding their macros (ticket #35373). While not corrected at this time, Datamaxx has assigned it a higher priority. We will continue to monitor their progress on this issue and expect a timely resolution.

The KBI Help Desk also opened a ticket with Datamaxx (ticket #34556) regarding the inability of the software to backup the archived logs to the "A" drive. Datamaxx has agreed to add this as an enhancement on a future release.

When a KCJIS user reports a possible problem to the KBI Help Desk regarding the Datamaxx software, a KBI Help Desk ticket is opened. This KBI ticket number is provided to the user, who should document this number and be able to provide it to the Help Desk when checking the status of the reported problem. The KBI Help Desk staff then recreates the problem and escalates it to Datamaxx, who also assigns a ticket number. The KBI Help Desk staff sends traces and works with the engineers at Datamaxx to further isolate/correct the problem. In the past, once the problem had been reported to Datamaxx, a user who called to report the same issue was not given a ticket number to use for reference. However, in the future, the KBI Help Desk staff will provide these callers with the original KBI ticket number, as well as any ticket number that Datamaxx has assigned. This way, the user still has a ticket number(s) to refer to when calling in to the KBI Help Desk.

## **Missing Persons Issues**

by Judy Ashbaugh KBI Missing Persons Clearinghouse

PRE-TEEN CHILDREN ARE AT RISK.

On August 31st, 2003, NCIC showed that Kansas had 91 children 12 and under in the EMJ (Enter Missing Juvenile) category. On September 30th, 2002, there were 84 children 12 and under in the EMJ category. In August, 40 of those children were under six (6) years of age, in September, 39 were under six (6) years of age. A pre-teen child generally does not have the skills to survive on his/her own, and is therefore considered at risk. A more appropriate category for these children would be the EME (Enter Missing Endangered) category. If a child is the victim of Interference with Parental Custody (K.S.A. 21-3422 and K.S.A 21-3422a), the EMI (Enter Missing Involuntary) category should be used. Remember to use the most appropriate category when entering a person into NCIC.

## Inappropriate use of cancel missing (XM) in NCIC.

by Judy Ashbaugh KBI Missing Persons Clearinghouse

The XM, NCIC cancel missing key is to be used only for: "A cancellation message is utilized when the entering agency determines that the record is invalid" (NCIC Operating Manuel.) This does not mean the person is no longer missing, but that the person was **never** missing in the first place. If the person was reported missing, and his/her whereabouts are known, a clear (CM) or locate (LM) message should be used.

If, upon validation, the reporting party cannot be located, every effort should be made to confirm the person reported missing is still missing. Nationwide operators license checks should be made, and the databases available through the Mid-States Organized Crime Information Center (MOCIC) should be searched.

The Internal Revenue Service and the Social Security Administration will forward letters to a person if certain guidelines are followed. For more information on this service, contact Judy Ashbaugh, KBI Missing Person Clearinghouse at 785 296-8244.

A person should not be removed from NCIC unless his/her whereabouts are known.

e-mail: judy.ashbaugh@kbi.state.ks.us

## News from the Crime Data Information Center (CDIC)

by Janell Zeiler KBI CDIC

The Crime Data Information Center at the KBI has experienced several changes over the last few months. Julie Hall is now in the Research Analyst position that handles the statistical requests and publications of the unit and Janell Zeiler is the Administrative Officer overseeing the KIBRS program.



The KIBRS staff is proud to announce they are currently processing November and December 2003 data.

Gilbert Tabares and Mike Robb currently have 93 agencies submitting electronically through the gateway. They have worked extremely hard throughout 2003 and will continue their efforts through 2004.

Many of you are aware through letters you have received during the month of November some changes that Kansas is trying to make. Your agency should and will notice an increase in the near future of letters, mail-backs and phone calls. Please do not take these personally, everyone will be getting them. There are some reporting procedures that are now being enforced that were passed over due to backlog. However, as you are aware the CDIC unit is nearing the day when reports will be processed as they are received. Quality assurance is going to be a top priority for CDIC in 2004. They appreciate your assistance and cooperation as these changes are being made.

Starting January 2004 each agency will have a member of the KIBRS staff assigned to them to assist with reporting issues and procedures. They would also like to be able to provide more training for the agencies in the near future. Although most of your contact will be from the individual assigned to your agency you can still feel free to call Janell when necessary. The agencies submitting electronically to the KBI will still contact Gilbert, Mike or Janell for assistance. Please keep the following numbers near in case you need to reference back:

Mike, 620-658-4422 Gilbert, 785-296-8242 Janell. 785-296-8279

The Crime Data Information Center would like to take this time to Thank You and Wish you a Happy and Safe Holiday season.

#### Which CDIC member do I contact?

The CDIC staff would like to personally introduce themselves. If you submit paper form reports to the KBI, you will be receiving a letter by mid-January from the CDIC staff member assigned to assist your agency. Please keep these numbers readily assessable.

00100-2901 and 4601, 4611, 4624 Angie Schuetz 785-296-8338

03000-06201 and 4603, 4604, 4608 Courtney Hug 785-296-8278

06300-10505, KBI, KHP and 4607, 4613, 4620 Caitlin St. Clair 785-296-8338

4612, 4617 & all DV, Rape and Murder Reports Jeanne Kahle 785-296-8338

The staff would like to remind the agencies of Kansas statute 21-2501a. This statute reads that **within 72 hours** after an offense is reported or known to have been committed, a permanent record should be filed with the KBI. If you have any questions, please refer to page 5 of the KIBRS handbook or contact the individual assigned to assist your agency.

#### **KIBRS/NIBRS Reporting Issues**

At a recent conference of the Association of State Uniform Crime Reporting Programs (ASUCRP) the FBI presented a few reporting issues that they have noticed across the United States. The CDIC unit would like to pass the following information on to the agencies of Kansas.

#### 1. Property Codes, Values and Measurements

It is extremely important that you provide the CDIC unit with a detailed and accurate list of property codes for items that are stolen, forged, burned or any drugs or drug paraphernalia that is seized. An accurate value or measurement for this property as well. The FBI has noticed a large number of agencies across the country that is providing a one-dollar value for paraphernalia. It would be extremely hard for anyone to believe that the majority of paraphernalia seized in this country is only valued at one dollar. Many agencies are not providing the KBI with an accurate drug measurement for drugs that are seized. Some agencies have informed the KBI they are waiting for lab results. You are required to notify CDIC once lab results are received so necessary updates can be processed. (con't on page 6)

### **KIBRS/NIBRS Reporting Issues**

(con't from page 1)

#### 2. Thefts involving parts and accessories of a MV

There have been many disagreements when it comes to reporting the theft of motor vehicle, theft from a MV or theft of Parts/Accessories. When you report theft of Parts/Accessories that means anything that is ATTACHED to the MV. This can be any of the following but not limited to; a radio, a tire, a radar detector (if it is attached when stolen) and a portable cd player (if attached when stolen.)

#### 3. Reporting forgery and theft on a single incident report

In the past many agencies were told by Kansas if you report a forgery you should list the property as the items that were obtained through the forgery. However, after speaking with the staff at the FBI it was learned Kansas had missinterrupted this procedure. Please use the following as an example, a customer forgies a check at Wal-Mart; they walk out of the store with a push lawn mower. You have both a forgery and theft; you would report both offenses. The property for the forgery would be the check, property code 0123. You would report the theft property as 1141 (push mower.)

Please remember the CDIC staff is here to assist you on any questions you might have. They may not have all the answers, but they will gladly assist you and find the correct information out from another source.

#### **Livescan Training**

by Dave Sim KBI Records Section

Printrak (a Motorola company) has recently completed the final phase of installation of the Host AFIS (Automated Fingerprint Identification System) at the KBI. Most of the work involved establishing electronic interfaces to support data exchange with other KCJIS databases and with the FBI, but some of Printrak's work involves providing system training.

One of the training objectives is to provide refresher training in AFIS livescan operations. Printrak is developing an 8-hour block of "train-the-trainer" instruction on livescan. This instruction will be available for any agency that currently has a livescan device or intends to obtain one. There will be no charge for attendance. Attendees should be those who are involved in livescan operations (or will be if their agency doesn't currently have a livescan device) and who are willing to instruct others in their agency.

## **Livescan Training**

(con't

If your agency wants to reserve a slot for this training, please send an e-mail to SAC David Sim, KBI Records Section, at <a href="mailto:dsim@kbi.state.ks.us">dsim@kbi.state.ks.us</a>. Indicate which location (Topeka or Wichita) you would prefer and give the name of your attendee. If the classes are oversubscribed, preference will be given to agencies that are currently transmitting electronic livescan records, followed by agencies with stand-alone livescan operations, followed by agencies interested in obtaining a livescan device.

Four classes will be given, with four students per class. Two of the classes will be at the KBI headquarters in Topeka, and the other two will be at the Sedgwick County Jail in Wichita. The training will take place in January, 2004, on dates to be determined.

#### **Livescan Submissions of Civil Fingerprints**

by Dave Sim KBI Records Section

Shawnee Mission School District has purchased a livescan device that will be installed within the next few weeks. The school district currently submits fingerprint cards on teachers and new employees as part of their employment screening, and decided that electronic submission to the Kansas Central Repository would improve the hiring process by expediting responses from the KBI and the FBI. When the livescan is operational, the state and national identification process will be fully electronic, avoiding all mail delays.

Electronic submission of civil fingerprint records will generally be processed on the same day of receipt at the KBI. The KBI will automatically send the state identification response back to the school district's livescan device as soon as the identification has been made. Simultaneously, the KBI will send the electronic fingerprint record on to the FBI, where the turnaround time is 24 hours or less. The FBI's national identification response will also be sent automatically to the school district's livescan device. The only time that transmissions are processed manually will be when there is a releasable criminal history record; when that occurs, the rapsheet will be printed and mailed to the school district.

To obtain maximum advantage from their investment, Shawnee Mission School District is considering offering civil fingerprint services to other school districts.

When the device is put in place, Shawnee Mission School District will become the first non-criminal justice agency electronically connected to the Kansas Central Repository.

## KBI to Distribute "Central Repository Operations Bulletin"

by Dave Sim KBI Records Section

The Records Section of the KBI Central Repository is preparing to publish a bulletin for e-mail distribution to state and local criminal justice agencies.

This bulletin will satisfy a long-standing need to communicate rules and procedures for reporting, maintaining and releasing information about criminal arrests, prosecutions, court dispositions and incarcerations. In particular, the bulletin will be aimed at the first-level supervisor responsible for sending arrest and dispositional data to the Central Repository; the person who makes decisions as to how and when to report events that are added to Kansas and FBI criminal history records.

The bulletin will be published about once per quarter, or as necessary to provide timely information. The first issue is planned for January, 2004.

If you are interested in receiving this bulletin, please send an e-mail to PSA I Barbie Berggren, Supervisor, KBI Document Processing Unit, at: Barbie.berggren@kbi.state.ks.us. Include "Central Repository Operations Bulletin" in the subject line. There is no limit to the number of persons receiving the bulletin at your agency.

## DATAMAXX Car Stop Screen -Training Issue

by Vicky Harris KBI Communications

Special Attention Agency TACs - Reminder - Please be sure and train your staff on the following - KCJIS Datamaxx users have previously requested that the Datamaxx LINXX 2010 software be changed so that the Kansas Car Stop screen will return a blank screen after the transmission is sent. The KBI has asked Datamaxx twice to provide this



functionality, and has been advised both times that the software **CANNOT** perform this feature. They have recommended that the users use the "erase" button at the top of the screen or use the "CTRL" and "K" keys to erase the fields within in the screen.

7

### **HAZMAT Endorsement: Another Update**

by Dave Sim KBI Records Section

As has been reported in the last two issues of the *KCJIS Newsletter*, federal implementation of the USA PATRIOT Act of 2001 requires the Transportation Security Administration (TSA) to conduct a background check of every commercial truck driver who is authorized to carry hazardous materials (HAZMAT). These checks are to be fingerprint-based and initiated at the state level.

On November 4<sup>th</sup>, the TSA published a change to the original start date for these background checks. The new suspense date for initiating checks is April 1<sup>st</sup>, 2004.

In order to accomplish the background checks and qualify or disqualify the driver's application for HAZMAT endorsement, TSA must create rules and procedures for capturing fingerprints and analyzing the results from the identification processes at the state and federal level. Those rules and procedures have not yet been defined.

Even though TSA has not established the processing system, Kansas is prepared to participate. The Kansas Department of Motor Vehicles (DMV) and the KBI have agreed on implementation plans to capture and forward fingerprints from selected DMV licensing sites. These plans include placing livescan devices in the DMV sites and electronically transmitting the fingerprint records to the KBI and on to the FBI. This plan will relieve local law enforcement agencies from the burden of fingerprinting drivers or handling the fingerprint cards.

Once TSA has determined the process and established rules for implementation, Kansas will be ready to participate.

## **CJIS North Central Working Group**

by Captain Ken Justice Kansas Highway Patrol

Captain Ken Justice was recently named the Chairman of the CJIS North Central Working Group. The five (5) Regional Working Groups are responsible for reviewing policy, as well as operational and technical issues related to the operation of CJIS programs administered by the FBI CJIS Division. These groups then make recommendations to the CJIS Advisory Policy Board, who make the appropriate recommendations to the FBI Director.

## Sending Fingerprint Cards to the KBI for "Non-Standard" Events

by Dave Sim KBI Records Section

**Fingerprint cards are <u>REQUIRED</u>** by the KBI under these circumstances: The following "non-standard" events require submission of a criminal fingerprint card (FBI Form FD 249 or the electronic equivalent) to the Kansas Central Repository at the KBI:

- 1) **Summons to court:** When the subject is not arrested or booked, but is summoned to appear in criminal court, the prosecutor and court should ensure that an arrest fingerprint card is made at the first appearance and submitted to the KBI.
  - When the first court appearance results in final disposition of the case, the court's disposition should be added to the fingerprint card. That precludes the need to submit a Kansas Disposition Report (KDR).
  - When the first court appearance DOES NOT result in final disposition of the case, the fingerprint card is submitted immediately and a KDR is submitted upon the conclusion of the court's disposition.
- 2) Failure to Appear: When the subject fails to appear within 30 days of a court event, the subject may be charged with the offense of "failure to appear" (K.S.A. 21-3813) or "aggravated failure to appear" (K.S.A. 21-3814). Both of these violations are reportable to the KBI as new offenses. Fingerprint cards must be submitted, listing failure to appear as the charge (and not the original offense for which the subject failed to appear in court), and disposition of the offense requires submission of a KDR.
- 3) Contempt of Court: When a court issues a bench warrant for failure to comply with court orders, the subject may be arrested with the understanding that the bond posted for release will be surrendered to the court and the charge of contempt will not be pursued. This type of procedure is sometimes used to correct situations such as non-payment of court-ordered child support. When the subject is arrested under this type of bench warrant, fingerprint cards must be submitted to the KBI with the charge listed as K.S.A. 20-1203 or 20-1204A. The card should include the court's disposition for the contempt charge (e.g. "Bond of \$1,250 forfeited to child support"); therefore no KDR will be required.

4) Any other criminal event for which fingerprints have not yet been submitted to the KBI: For example, when the subject was arrested his hands were burned and prints couldn't be obtained. In this case, fingerprints should be taken at the earliest opportunity after his hands have healed, so that the arrest and disposition are based on fingerprint identification by the Kansas Central Repository.

Fingerprint cards are NOT REQUIRED by the KBI under these circumstances: Actions in the criminal justice system that follow an initial arrest and booking (in which fingerprints were previously submitted to the KBI) DO NOT require another submission of fingerprint cards. The original arrest/booking fingerprint submission is sufficient to establish the criminal history record. All subsequent actions that modify the arrest or disposition can be reported to the Central Repository by submitting a KDR that references the Transaction Number assigned to the original arrest/booking fingerprint record.

- 1) Probation violations: Since the original offense involved an arrest and booking, there is a fingerprint card on file at the Central Repository and probation violation actions don't require any more fingerprint submissions. This is true even if the subject is taken into custody as a result of the probation violation. If the probation violation results in the change of any sentence provisions by the court, then the changes are reported using a copy of the original KDR.
- 2) Missing a Court Appearance: If the subject is taken before the court within the first 30 days after being absent from a scheduled court appearance, the subject is not in violation of the "Failure to Appear" statutes. Therefore, no fingerprint card submission to the KBI is required, and no report of the missed court appearance is sent either.
- **3) Other Court Appearances:** Only court actions that involve disposition of the charges are reported to the KBI. Interim appearances or court actions after sentencing that do not change the provisions of the sentence are not reportable.

#### CDIC Needs your help...

The FBI has asked all state uniform crime-reporting programs to have January-December 2003 data to the FBI by February 20, 2004. *The KBI is asking that you please have all your offense and arrest reports submitted to the Crime Data Information Center at headquarters by January 16, 2003.* Please make sure that the appropriate personnel in your agency are notified of this deadline. Your cooperation in helping the state of Kansas achieve accurate and timely crime reporting is greatly appreciated.

#### **FAO**

Q – I recently ran a record check on a person I know has a criminal record in Kansas. A few years ago he had his record expunged. Before the expungement he had his arrest and conviction in the Triple I database at the FBI. Now when I run a Triple I on him, I get a "no record" response. Since I'm running the check for a criminal investigation (purpose code "C"), I'm entitled to receive expungement data. Why do I get the "no record" response from the FBI?

A. Because the FBI handles an expungement differently than does the KBI. The expunged event has been deleted from the Triple I database, and nothing else is left. That means that the subject's Triple I record at the FBI has been closed.

# Q – In reference to the previous question and answer, how does the Kansas Central Repository handle expungements differently?

A – The Kansas Central Repository will mark the record as expunged, but will not destroy the record or purge the contents. Instead, the arrest and conviction will be released to those who are entitled by Kansas statutes to receive expungement data. And that includes all criminal justice agencies conducting the record check for the administration of criminal justice.

Q – So, in follow-up to the last question, if the criminal justice agency had run that person's record check through the Kansas Central Repository, the expunged event that had disappeared from Triple I would be available in the KBI rapsheet?

A-Yes. The KBI will release expunged data to those entitled by statute to receive it. In this case, the FBI will respond that the subject has no record, and the KBI will send you a complete rapsheet.

#### Q - What is NFF?

A – NFF stands for National Fingerprint File. That refers to an FBI initiative to move beyond the Interstate Identification Index (Triple I) structure by having states fully responsible for the criminal history records that they hold.

Under Triple I, a participating state that creates a new criminal history record sends to the FBI a copy of the arrest/booking fingerprint card and notice of the prosecutor or court disposition. Thus, both the state and the FBI maintain the same information in their databases.

Under the NFF concept, the NFF state sends to the FBI a copy of the first arrest/booking fingerprint card for the subject. All subsequent activity by that subject is recorded in the state's central repository, but not sent to the FBI. The FBI only has the fingerprint card from the first event as an index to the person's identity; all subsequent criminal history information is only maintained by the state. This reduces processing time and duplication of effort.

#### Q - Is Kansas an NFF state?

A – Not yet. We just finished moving to full Triple I status a few months ago. In CY 2004 we will request an evaluation by the FBI that will review our operational readiness and capability to move to NFF status. At a minimum, certain workflow processes and software routines will have to be modified to support NFF requirements, and those changes may be extensive and expensive. But we intend to move to NFF status as soon as we can afford to do so.

#### Q -What is the "Hot Check" initiative?

A – This represents new features of NCIC in which the federal Integrated Automated Fingerprint Identification System (IAFIS) is interfaced with NCIC databases for improved service. When a ten-print fingerprint record is processed by IAFIS, the identity of the printed subject will be searched against the Wanted Person File and the Violent Gang and Terrorist Organization File (VGTOF). Potential hits against these files will generate an NLETS administrative message to the owner of the NCIC record, and the identity of the fingerprint card submitter will be included. The owner of the NCIC wanted person or VGTOF record may then contact the fingerprint contributor for more information or coordination of further activity.

## Q – What is the meaning of the Kansas University "Rock Chalk" chant? Where did that come from?

#### A – According to the *Lawrence Journal-World* newspaper:

"The tradition of the Rock Chalk Chant dates to 1866. The chant first began as "rah rah rah Jayhawk" repeated

three times. Several years later, an English professor suggested **Rock Chalk** so that it would rhyme with Jayhawk. It was also suggested because of all the chalk rock- or limestone- found throughout the region.

In 1897 it became the official cheer for Kansas University."





**NewsLetter** 

The KCJIS NEWSLETTER is published by the Kansas Criminal Justice Coordinating Council

> Roger Werhotz, Chair Secretary of Corrections

Director Larry Welch, Vice Chair Kansas Bureau of Investigation

#### **Council Members**

Matt All Chief Legal Counsel Office of the Governor Eric Rucker Deputy Attorney General Office of the Attorney General

Justice Donald Allegrucci Kansas Supreme Court John Badger Chief Counsel, Social Rehabilitation Services

Commissioner
Denise Everhart
JuvenileJustice Authority

PRESORIED

TOPEKA, KS
TOPEKA, KS
TOPEKA, KS

LOBEKA KS 66612-1837 1620 SW TYLER INFORMATION SERVICES DIVISION KANSAS BUREAU OF INVESTIGATION OFFICE OF THE ATTORNEY GENERAL